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PTO/SB/21 (05-03)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/039,288
	Filing Date	January 4, 2002
	First Named Inventor	Bastian, Boris C.
	Art Unit	1634
	Examiner Name	Jeanine Goldberg
Total Number of Pages in This Submission	Attorney Docket Number	023070-121700US

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement w/form PTO/SB/08B, PCT search and refs. AA-AY <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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Firm or Individual	Townsend and Townsend and Crew LLP Jean M. Lockyer, Ph.D. Reg. No. 44,879
Signature	
Date	September 23, 2003

### CERTIFICATE OF TRANSMISSION/MAILING

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180

Complete if Known

Application Number	10/039,288
Filing Date	January 4, 2002
First Named Inventor	Bastian, Boris C.
Examiner Name	Jeanine Goldberg
Art Unit	1634
Attorney Docket No.	023070-121700US

## METHOD OF PAYMENT (check all that apply)

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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fees from below		Fee Paid
Total Claims	**	=		X		
Independent Claims	**	=		X		
Multiple Dependent				X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$ )180

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Jean M. Lockyer

Registration No. (Attorney/Agent)

44,879

Telephone

415-576-0200

Signature

Date

September 23, 2003

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PATENT  
Attorney Docket No.: 023070-121700US  
Client Reference No.: 2002-129-1

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Alexandria, VA 22313-1450

On 23 Sept. 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Wogit



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Boris C. Bastian

Application No.: 10/039,288

Filed: January 4, 2002

For: GENETIC CHANGES IN  
ATYPICAL NODULAR  
PROLIFERATIONS IN CONGENITAL  
MELANOCYTIC NEVI

Examiner: Jeanine Goldberg

Art Unit: 1634

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed.

Also enclosed is a copy of the Search/Examination report corresponding to the PCT application.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

09/29/2003 SFELEKE1 00000042 201430 10039288

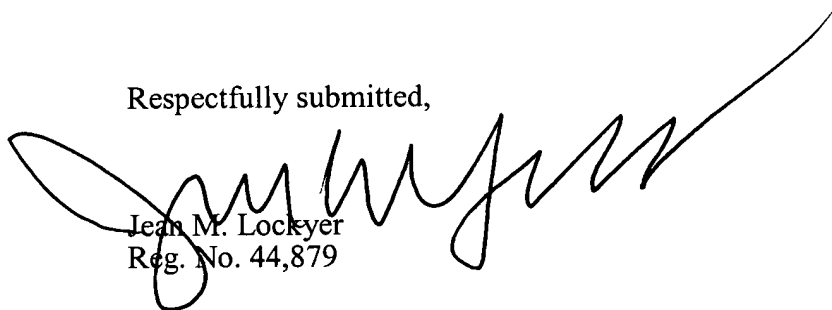
01 FC:1806 180.00 DA

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

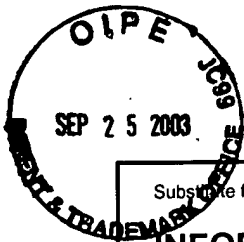
Please charge the IDS fee in accordance with the accompanying Fee Transmittal submitted in duplicate. Please deduct any additional fees from, or credit any overpayment to, our Deposit Account No. 20-1430.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Jean M. Lockyer, is written over the typed name and registration number.

Jean M. Lockyer  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
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San Francisco, California 94111-3834  
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JML:mtd/mcd



Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/039,288	
			Filing Date	January 4, 2002	
			First Named Inventor	Bastian, Boris C.	
			Art Unit	1634	
			Examiner Name	Jeanine Goldberg	
			Attorney Docket Number	023070-121700US	
Sheet	1	of	2		

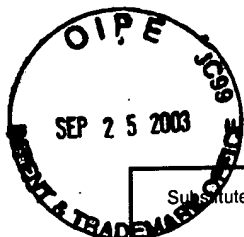
U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AA	US-5,447,841	09/05/1995	Gray et al.	
	AB	US-5,830,645	11/03/1998	Pinkel et al.	
	AC	US-5,994,523	11/30/1999	Kawakami et al.	
	AD	US 6,261,775 B1	07/17/2001	Bastian et al.	
	AE	US-6,455,258 B2	09/24/2002	Bastian et al.	
	AF	US-6,465,180 B1	10/15/2002	Bastian et al.	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AG	Wettengel et al "Differentiation between Spitz nevi and malignant melanomas by interphase FISH", Int. J. of Oncology, vol. 14, pp. 1177-1183, 1999.	
	AH	De Witt et al "DNA in situ Hybridization as a Diagnostic tool in the discrimination of melanoma and spitz naevus" J. of Pathology, vol. 173, pp. 227-233, 1994.	
	AI	Bastian et al. "Chromosomal Gains and Losses in Primary Cutaneous Melanomas Detected by CGH" Cancer Research, vol. 58, pp. 2170-2175, May 1998.	
	AJ	Healy et al. "Allelotypes of Primary Cutaneous Melanoma and Benign Melanocytic Nevi" Cancer Research, vol. 56, pp. 589-593, Feb. 1996.	
	AK	Lichter et al. "Delinieation of individual human chromosomes in metaphase and interphase cells by in situ suppression hybridization using recombinant DNA libraries" Hum Genet. vol. 80, pp. 224-234, 1988.	
	AL	Matson et al. "Biopolymer Synthesis on Polypropylene Support: Oligonucleotide Arrays" Analytical Biochemistry, vol. 224, pp. 110-116, 1995.	
	AM	Wang et al. "COT-1 banding of human chromosomes usig FISH with Cy3 labeling" Jpn. J. Human Genet. vol. 40, pp. 243-252, 1995.	
	AN	Thompson et al., "Cytogenetics of 158 Patients with Regional or Disseminated Melanoma: Subset Analysis of Near-diploid and Simple Karyotypes" Cancer Genet. Cytogenet. 83: 93-104 (1995).	
	AO	Winokur et al. "Evaluation of DNA Ploidy in Dysplastic and Spitz Nevi by Flow Cytometry", J. Cutan Pathol. 17: 342-347 (1990).	
	AP	Products for Life Science Research, 2000-2001, Sigma-Aldrich, pp. 170 and 322.	
	AQ	Speicher et al. "Chromosomal gains and losses in uveal melanomas detected by comoparative genomic hybridization" Cancer Research. 1994, 54: 3817-3823.	

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/039,288
				Filing Date	January 4, 2002
				First Named Inventor	Bastian, Boris C.
				Art Unit	1634
				Examiner Name	Jeanine Goldberg
Sheet	2	of	2	Attorney Docket Number	023070-121700US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	AR	Day et al., "Malignant melanoma Prognostic Factors 3: Surgical Margins," J. Dermatol. Surg. Oncol. 9:797-801 (1983).		
	AS	Heenan, "A Centimeter There, a Centimeter There: Does it Matter?" Am. Acad. Dermatol. 35:281-2 (1996).		
	AT	Huang et al., "Fluorescence in situ Hybridization Evaluation of Chromosome Deletion Patterns in Prostate Cancer," Amer. J. Pathology 149(5): 1565-1573 (Nov. 1996).		
	AU	Kallioniemi et al., "Comparative Genomic hybridization for Molecular Cytogenetic analysis of Solid Tumors," Science 258: 818-21 (1992).		
	AV	Mishima et al., "Acral Lentiginous melanoma and its Precursor--Heterogeneity of Palmo-Plantar Melanomas," Pathology 17: 258-65 (1985).		
	AW	Wingo, et al., "Cancer Incidence and Mortality, 1973-1995," Cancer 82: 1197-207 (1998).		
	AX	Xu et al., "Detection of 11q13 Amplification as the Origin of a Homogeneously Staining Region in Small Cell Lung Cancer by Chromosome Microdissection," Genes, Chromosomes & Cancer 17: 172-178 (1996).		
	AY	Bastain et al., "Gene Amplifications Characterize Acral Melanoma and Permit the Detection of Occult Tumor Cells in the Surrounding Skin", Cancer Research 60: 1968-1973 (2000).		

Examiner Signature		Date Considered	
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.